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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,730	06/25/2001	Clive Hayball	0584-1041	2086
7590	09/13/2004		EXAMINER	
Lee, Mann, Smith, McWilliams, Sweeney & Ohlson Suite 410 209 South LaSalle Street Chicago, IL 60604-1202			BILGRAMI, ASGHAR H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/888,730	HAYBALL ET AL.
	Examiner Asghar Bilgrami	Art Unit 2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-33 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 June 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(g)(1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Jindal et al (U.S. 6,092,178).

3. As per claims 1, 14, 27, 28 & 30 Jindal disclosed a method of handling a resource request, comprising: receiving a resource request at a network server from a client, the resource request comprising a first identity of a network entity (col.3, lines 55-58); searching a database for a resource record associated with a best instance of the network entity; the best instance of the network entity being defined by the instance of the network entity that is most compatible with the resource request (col.3, lines 38-41); retrieving an identifier of a series of executable

instructions from the resource record; and executing the series of instructions to facilitate providing the requested resource to the client by the best instance of the network entity (col.3, lines 41-50).

4. As per claims 2 & 15 Jindal disclosed a method according to Claim 1, wherein the resource request further comprises information relating to an operational characteristic, and the best instance of the network entity is defined by the instance of the network entity that is most compatible with the operational characteristic (col.3, lines 27-37).

5. As per claims 3 & 4 Jindal disclosed a method according to Claim 2, wherein executing the series of Instructions further comprises: analyzing a set of network entities; determining the network entities compatible with the resource request on the basis of the operational characteristic; and returning a response comprising an ordered list of compatible network entities, with the best instance of network entity first (col.3, lines 5-26).

6. As per claim 5 Jindal disclosed a method according to Claim 2 further comprising: adding the information relating to the operational characteristic to the resource request after receiving said resource request at the network server from the client (col.5, lines 19-30).

7. As per claims 6, 9 & 16 Jindal disclosed a method according to Claim 2, wherein the steps of receiving and searching take place at a global network server (col.3, lines 38-50).

8. As per claims 7 & 17 Jindal disclosed a method according to claim 6, wherein the network server is a DNS server and the step of receiving a resource request comprises receiving a request concerning access to the network entity (col.5, lines 19-30).

9. As per claims 8 & 18 Jindal disclosed a method according to Claim 7 further comprising: converting the resource request at the DNS server into a form operable by the global network server; and transmitting the converted resource request to the global network server prior to the steps of searching and retrieving (col.3, lines 38-50 & col.5, lines 32-39).

10. As per claim 10 Jindal disclosed a method according to Claim 9, wherein the requested resource is provided to the client by the best instance of the network entity via the network server (col.3, lines 1-19).

11. As per claim 11 Jindal disclosed a method according to Claim 8, wherein the steps of searching a database and retrieving an identifier are implemented on a content server associated with the global server (col.3, lines 1-19).

12. As per claim 12 & 13 Jindal disclosed a method according to Claim 1, wherein the network entity is a server operating an application (col.4, lines 55-63).

13. As per claims 19 Jindal disclosed a method according to Claim 15, wherein the resource request is a DNS record and the operational characteristic is contained within an additional DNS text field forming part of the DNS record (col.6, lines 1-16).

14. As per claim 20 Jindal disclosed a method according to Claim 15, wherein the response is a DNS record and the operational characteristics of the compatible network entities are contained within an additional DNS text field forming part of the DNS record (col.5, lines 40-47 & col.6, lines 1-16).

15. As per claim 21 Jindal disclosed a method according to Claim 14, further comprising identifying a lookup means for accessing said network entity (col.4, lines 55-63).

16. As per claim 22 Jindal disclosed a method according to claim 21 wherein the look up means comprises an address (col.6, lines 1-16).

17. As per claim 23 & 24 Jindal disclosed a method according to claim 23 wherein the first identity comprises a 30 name and the second identity comprises an address (col.6, lines 1-16).

18. As per claim 25 Jindal disclosed a DNS record for conveying a response, comprising a user-defined text-field for specifying Content Selection Criteria for finding a best instance of a network entity for providing a requested resource; the best instance of the network entity being

defined by the instance of the network entity that is most compatible with the requested resource (col.5, lines 19-39 & col.6, lines 44-59).

19. As per claim 26 Jindal disclosed a DNS record for conveying a resource request, comprising an user-defined text-field for specifying at least one operational characteristic of a client for finding network entities compatible with the requested resource on the basis of operational characteristics (col.6, lines 1-16).

20. As per claim 29 Jindal disclosed an architecture according to claim 28, further comprising a content manager associated with the global network server and holding information on networks entities, said content manager configured for providing information on all known network entities able to supply the requested resource on receiving a query corresponding to the conventional resource request from the global network manager (col.8, lines64-67, col.9, lines 1-3 & col.9, lines 22-34).

21. As per claim 31 Jindal disclosed a method according to Claim 2, wherein the operational characteristic is one of; a response time of said network entity, a load on said network entity, a distance to the network entity, and a throughput of the network entity (col.3, lines 5-19).

22. As per claim 32 Jindal disclosed a method according to Claim 1, wherein the requested resource is available on the network entity but is not available on the network server (col.5, lines 19-30).

23. As per claim 33 Jindal disclosed a communications network comprising the scaleable architecture as claimed in claim 27 (col.4, lines 43-63).

***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cunningham (U.S. 6,439,765) disclosed domain name resolution in a network having multiple overlapping address domains.

Mwikalo (U.S. 6,480,508) disclosed router-based domain name system proxy agent using address translation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is currently 703-305-4623 or 571-272-3907 after October-04. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached currently on 703-308-5221 or 571-272-3923 after October-04. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami  
Examiner  
Art Unit 2143

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JACK D. HARVEY  
SUPERVISORY PATENT EXAMINER